

DRAFT MEETING MINUTES

Bay Management Steering Committee Meeting #6 November 9, 2005

Attendees:

Steering Committee: Dave Schmanska, Barbara Vickery, Heather Deese-Riordan, Dewitt John, Paul Anderson, Evan Richert

SC not in attendance – Kathleen Billings, Jim Salisbury

Staff: David Etnier (facilitator), Kathleen Leyden, Seth Barker, Deirdre Gilbert, Vanessa Levesque, Mary Costigan, Todd Burrowes, John Sowles

Public: Jane McCloskey (East Pen Bay Alliance), Ron Huber (Pen Bay Watch), Sebastian Belle (ME Aquaculture Association), Dave Miller (Cook Aquaculture), Vivian Newman

Coast-wide Problems and Potential Improvements

Deirdre – Using “Tiered Approach to Identifying Problems on the Maine Coast” diagram, explained process of how issues were analyzed and separated into ecological issues and social issues. Suggests directed activity towards “immediate causes” and “ultimate causes”.

Vanessa – Explained “Management oriented approach to coastal governance issues” diagrams, which links tools to governance issues raised in public meetings and staff. Bubble at bottom points to large scale or system changes vs. middle boxes that include tweaks. Also reviewed list of conclusions.

The Steering Committee stated that this was good work and directs attention to the right place. Some specific recommendations on the diagrams:

- Coordinate 2 sets of diagrams (HD)
- Clarify how management process information fits into Problems diagram (HD)
- Clarify where water access problems fits in (it’s a user conflict)
- Be careful with language – i.e. rockweed, phrasing of statements like “people who just moved to state don’t want fishing” – use quotes if it was an actual statement
- This work should be one of the final products of the study
- The tiered approach diagram with ecological and social categories doesn’t capture all we’ve heard about. Economic uses bridge ecological and social categories. (BV)
- Use overharvesting as one of the specific examples to make it obvious that it’s included in the larger category (HD)
- In the ultimate causes, the second tier (comp planning, EBM and lack of vision) are answers – they are solvable and go on management diagram (DJ)

Discussion about the conclusions:

- Our audience is politicians – We need specific problems, rather than abstract theories. Give them an immediate crisis or problem. Crisis was about aquaculture, but not sure what crisis is now.
- Add 4a into conclusions (EV) - (?suggest 4 a -- how mission relates to conclusion – there are some large scale changes that we will not be getting into – land use? water

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quality? fisheries management? KL – off the table – land use management and smart growth, federal fisheries management, working waterfront access; on the table water quality classification, TMDL, new trends in water quality (nutrients), nearshore fisheries

- (PA) – Don't look at existing governance systems. We formed this study around the issue of local input and disenfranchisement. Relationship between issues – ecosystem management – understanding of relationships between land and water. Cumulative impacts – how much is too much of multiple activities? No one agency has the whole picture – better coordination – monitoring. Strategic planning AND Implementation. Create vision and plan and then implement through programs, people in the field
- “Use of science and decision-making” -- includes co-management, a large issue. Co-management fits into local decisionmaking, rather than listing it under use of science. Voice in government by locals is why we are here. Collaborative research in fisheries has been a success. What does co-management mean for other sectors – shipping, etc. Involve others in monitoring and data collection so it leads to better governance.
- (HD) Carrying capacity – fits under #5. Cumulative impacts. Managing multiple uses in a coherent ways – adequate management of resource uses could be added. Blue cloud – taken aback by “regional council” system. Multi-stakeholder processes don't need to include regional councils. Coordinating groups for bays could include many things.

Vanessa handed out the principles document and working definition to add to the discussion of possible principles for Bay Management.

- (BV) Whatever recommendations we come up with should say that we aim to create or improve systems or mechanisms that accomplish the following things.
- (HD) The way things are worded on blue sheet are similar to white sheet, but blue sheet wording is better.
- DJ – All of these 3 things are less helpful than other things. If we use vision – not existing science, existing local input. States and communities have control over who they want in state, what tax policy is. These are limiting.
- HD – look like very common, not radical principles, but they are important. Your making a transparent statement.
- BV – When people hear about bay management, they think it means that the state will zone them out of business, that it's the environmentalist gone wild. Get the principles right and put them on the website to counteract public perception that will prevent improvement of governance. Need broader vision at some point, but principles allay fears, and say just as much about what we're not doing.
- ER – some are results oriented – item 5 conclusions/outcomes 5th and 6th bullets. Need to be consistent – others are ways to get there. need something about land/water interactions being understood and addressed. Outcome – bays are economically important places -- viability of bays.
- PA – frame these, and get them out there. Can be changeable to add/modify over time. Items 5,6 and 7 on yellow sheet all say “new” May not be new, but different perspective. Bay management in itself minimizes layers or regulations or minimizes conflict in layers of regulation.

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To Do – revise principles and send via e-mail to SC. Eventually put them onto the web. Heather asked us to include principles, goals and objectives, definitions in one section.

Mid-course Study Check In

Gaps and Next Steps:

Key stakeholder groups – Paul concerned about reaching out to stakeholder groups who didn't come to meetings – if they didn't come, they aren't involved. Evan and David E. both said it's important to provide different venues/ways to allow others to provide input. KL gave ex of Bar Harbor committee rep interested in study as rep of an underrepresented group (municipal officials).

Statewide trends and ID of emerging uses (update and add to trend info in policy report, potentially using winter intern) – Heather thinks it's a good idea, and if possible, talk about differences between different bays or areas along the coast. KL said places like Casco, Pen Bay, Cobscook probably have this info and that could be highlighted in report.

Involvement of other state and federal agencies in study/gap analysis (meeting with these folks with facilitated discussion, rather than indepth gap analysis) – Barbara asked if 3 & 4 could be accomplished at same time. KL said they could be combined, but might also have paper report. Paul commented that the right level of agency representatives would be crucial, people who really know the programs and projects. Paul also said that local/municipal reps should be included. Heather concerned that since there will always be some overlap or gaps, so trying to look at all areas of gaps in all activities in Maine's waters might be too huge of a task and distract us from our main focus. Perhaps keep us focused on what could be worked on at a bay level. Todd reiterated that we shouldn't get bogged down in the details. Heather reminded us that bays are larger than towns and smaller than the state is a way to limit the discussion. Dewitt asked if problems have emerged in relation to gaps. John S. said that dredging is one example. Paul said that the Casco Bay panel example of incompatibility of expanding the marina and mussel growing desires shows the need for locals who are planning marinas need to know impact on aquaculture siting. Paul asked to think about how to get the municipalities into the discussion, especially since it's hard to decide who can represent the towns. KL – usually we pick Dave S. or MMA.

Establishing priorities for uses of coastal waters (Not talked about with this group. Is this a background piece we need to write-up?) - Evan said it's important along with who is responsible for them. Barbara asked if this related to gap/conflict analysis, if agencies' priorities are in conflict with each other. That could be useful to have in front of us when looking at the gap analysis information. Heather said that gaps # 3,4, and 5 will all lead to Deliverable #8. Paul said it could be an analysis for current priorities as well as the potential for what is authorized and what could be done, even if it is not being done now. Do you also include the non-formalized policy that goes on, for example, in the lobstering community, in which they govern themselves in many respects (priorities that tend to happen in the working waterfront community)? KL asked how, in addition to making a statement of how there are traditional

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social mechanisms for pecking order, what else could we say? And, how would we do anything about that? Paul acknowledged that KL was right in that there is no way to go with that. David said we'd have no impact on established pecking orders, so other than acknowledging they exist, best to stay out of that.

Evaluation of pilot projects (Vanessa creating a method for how to evaluate them, to formalize our learning process.) – Paul mentioned that the framework for how we evaluated the RFPs is a good starting point. KL suggested that as Vanessa develops the evaluative tool, that we send out to SC for review, and that VL could work with Dewitt in developing it.

Gap #7 a bit unclear – Paul asked if we meant to look at the NGO community, and if there is a place where other stakeholders have a say in governance. Somewhere in our analysis we should look at examples at where those type of community organizations have input in policy and if there is a way to better formalize their input. Heather – ID of gov authorities (deliverable #7) says completed, but we haven't done an analysis of roles of organizations.

KL gap #8 (not on handout) – Identify places nearshore where there are opportunities for improved resource management or resource enhancement. Barbara asked what she meant by resource enhancement. KL- reseeded/enhancement. Heather said this seems more specific than the others, and this might fit under an analysis of economic development opportunities (other uses like ecotourism could be included). Barbara confused – most of these other things looking at current structures and processes in management of uses and resources. What you raised is another example of what is not working as well as it could, in looking at specific examples of where we have a hard time doing things because of current governance or at example of where co-management might be appropriate. KL – as part of analysis of governance, in looking at local, state, ngos we'll be looking at how management can be a mix, in essence co-management – if we id that, next step would be to say that there are no more opportunities to do this, or that yes, here are some specific places/issues/species we could do this with. Paul concerned that we're getting into a level of detail on just fisheries or extractive uses of the coast. It's already part of fisheries management to consider things like stock enhancement – they are already talking about this. Step back from that and talk not about government effectiveness from gov't point of view, but effectiveness of governance in allowing for economic development to occur. Don't just think about if regulations are contradictory, etc., but to assess if we have the right level of gov't to allow fishery/aquaculture/recreational boating/etc to be at highest level but at a sustainable level. David E. – Missed/lost/underutilized opportunities that would be part of the gap analysis. Dave S. – this relates back to gap #5 – identifying priorities. Evan – we need to be careful because this is cutting our mission in a different way. Our mission, I think, is to prevent bad things from happening. If we talk about enhancing things, then we're in a different world of trying to make good things happen. KL asked if creating a co-management scheme is aimed at making things better is out of our purview. Dewitt said it would be in our consideration. Heather said that the place to put these questions would be under #2, analysis of trends. Part of that could be brief analysis of management trends of major uses (i.e. cruise ships, specific fisheries). KL – said this is also a trend.

KL said if anyone had other gaps. Heather asked if we could go through the deliverables first and then go back.

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Public questions and comments

Jane – Great amount of work and impressed. #5 on conclusions handout does look like principles. I suggest you look at draft TB principles and dialog back and forth with them in drafting yours. Another principle might be that each bay is unique and they might need to be managed uniquely. Example – Pen bay didn't have red tide when others did, and current look at growing scallops in pen bay with a different approach. Another ex Pen Bay has a semi-viable run of salmon runs and may not be best place for salmon pens. Other example principles: Ecosystem management, Precautionary principle. What Paul said about improving public participation so that we make the decisions with you and not just provide input – the question is, 'what is the governance for that?' Finally, government is adaptive – I think that you've addressed that.

Accomplishments and Remaining Tasks

KL explained Milestone's and Deliverables table. We propose to cancel SC meeting on Nov. 28th. Not only does chart look at deliverables and work backwards, but it also shows change in how staff will interact with SC. We now will shift to plan where staff synthesizes information, creates pieces of proposals, and then asks for reaction/input from SC. David said that we would create a range of proposals with analysis of pros and cons, costs, etc.

Barbara – meeting 9 – review of pilot project – what would proposal be about? KL – write up of our analysis and findings of pilot project and what pieces of that would be included as recommendations in our study report. For example, possibly using principles that are coming out of pilot projects.

Dewitt – Something is missing – I can imagine 3-4 kinds of bay management. I see aspects being discussed here, but I don't see bay management as a whole discussed. KL – that's meeting number 8 – that meeting shouldn't be called governance tools. That's the meeting where we will talk about this range of options. We're called in the legislation to do criteria, standards and guidelines – something fully fleshed out. So, maybe that's too much for one meeting, to talk about array of bay management models AND this is how they work.

Heather – before you can look at criteria/standards and guidelines, you need to look at range of options. Paul – isn't that the blue cloud. Barbara- the blue cloud and the yellow boxes. Heather – the public forum for brainstorming models needs to happen before the S.C. discusses this. It might be an iterative process where S.C. discusses possible models a couple times.

KL – the timing of public participation is flexible. We have to insert that in this schedule.

Paul – updating LWRC soon? KL – yes, will do that soon. And there will be a sub-committee of LWRC who are engaged in this to work with us. Paul – that will help inform us so that should fit into the schedule. KL – the Oct 2006 meeting could be a working meeting with LWRC if you need it.

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Heather – it would be helpful to have an outline for the report to make sure we aren't missing anything. This is a lot of deliverables so if there is a way to figure out which are most important for SC to discuss.

Barbara – the April 2006 meeting will then include a range of options. How will staff come up with that range of options? Is meeting #7 a first cut? KL – yes. Heather – and it will come out of next public meeting.

Paul – the next steps that we talked about this morning fit in here? KL – yes, we'll have them all for the next meeting in February and that's why we propose not to meet again until February, if that's okay with you. We could also have SC members work on specific topic areas with which they have experience. Heather – we could also have more interactive email conversations and/or phone conversations.

Barbara – were you envisioning letting SC members know about meetings with stakeholder groups if they wished to come. KL – it hadn't occurred to me, but not for particular reason. The outreach will take different forms, but if it's a focus group, that would be something we could put out. Barbara – the same thing with gaps 3 and 4 – if there was a meeting that SC members could come that would be good. I'd be more informed if I heard about the issues first hand. KL – I think that's a really good way to achieve having fewer, more focused meetings with the opportunity for SC to be informed, through email, phone or attending other meetings.

Barbara – the other opportunity I see, was when you asked about providing suggestions for evaluating pilots, I thought that it would be great to interview members of the projects. Providing opportunities to SC to gather info from pilots might be good – something different than a presentation to a big group, but a conversation with a few people in a room. There's the evaluation that a pilot manager gives, someone on SC gives, and a public participant gives. You might need help getting these impressions.

Heather – this idea of figuring out who among us is interested in contributing to which part of the process would be good.

Dewitt – I'm more interested in virtual meetings than getting in my car. If staff developed a few strawmen of models and bouncing them around through email, that would be helpful. KL – that would be a precursor to meeting number 8. Dewitt – there is the logical order, but on the other hand, the issue of data and information analysis can't wait until August – it would be good to talk about that sooner. You can create early drafts to be revised later. Two proposals – do it virtually and don't wait too long to talk about these.

Paul – no contradiction between Dewitt's comment and ability to delegate certain tasks to SC members. KL – we can let you know as we do things, but if you have strong interest in any of these (study steps, deliverables, milestones), let me know.

Barbara – IWhat does marine GIS RFP mean as a deliverable? Seth explained that in order to do analysis, we had to have more info about, for example, marine mapping needs, and he explained the RFP. KL also pointed out that we'll learn from the the pilot projects data and mapping needs. We know we're not set up with scientific info to do place-based management, but what is

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needed. John S. – one of deliverables of RFP is to suggest a more efficient use of information. Another interest we have is a human use atlas, knowing where activities occur up and down coast is important to bay management. Heather- what needs to be done to get from that – lessons from pilot projects, lessons of needs state wide from RFP. The question still remains from moving from there to talking about how to determine list of data needs for bay management. What is deliverable to look like? List of data needs? Or something else? KL – I think we are trying to get to a list of data needs and beyond that, to create a plan. If we want a robust marine GIS that has capabilities for regional management, how do we do that. Paul – I applaud idea of RFP but we need to talk about what we want to achieve before we can talk about what info we need to do that. We should inform workplan of RFP to look not just at agency/organization needs of what they need based on what they are currently doing and get people to think out of that box, and get people to talk about needs if, for example, people were to work across agencies. I want to make sure we can inform that so it supports what we want for bay management. Evan – do we have the data, what kind of data, and what are data needs that are unmet to discuss the immediate causes diagram. I think we could do that without all the specifics of what bay management will look like. Barbara – a key part of this is scale – we are talking about bays. An unanswered question is whether we have the data at the level of resolution to match the level of resolution we are talking about managing. That's a problem both on the spatial scale and for adaptive management (time scale of data). Knowing what those limits are and what it would take in state gov't to overcome those limits would be very informative. KL - can RFP be changed to address comments here. Seth – we could, although we were thinking of something smaller. You are asking how do we look forward and take this groups' work and answer data information questions. We could pull it back and revise it. Todd – could you do a 2-phase contract where you do your initial identification work and then address specific questions? KL – if we have first phase piece, could we do the second piece in house? Seth – that was my impression. Evan – two big categories – the first is simple capacity – to what degree are the existing data sets discoverable and accessible to others and then, can you combine it with other data, and can you map it and visualize it? Then there's the data stuff – do you have the data sets at the right resolution needed? Is the sea floor mapped? Do we have a human use atlas? Seth – both of those are included. We want to find out where common needs are, while also identifying specific needs of organizations. John – this stuff that is in the RFP has to be done anyway, so until you narrow down your bay management models, it would be premature to sidetrack RFP at this point. Barabara – the potential paraelle with BWH group's coastal committee. Seth – excellent point –that is one of the groups that we identified as needing to hear from.

Heather – Do you want me to say what tasks I'm interested in? Or are you happy to email stuff?
KL –I'm happy to do either.

Heather – I'm interested in identification of organizations that are involved in Maine's bays that are not governmental (item 7 in the gaps).

Paul - I'm interested in the interagency discussion.

Dewitt – Would it be premature to put out an initial sketch of models? I'm willing to do so.
Putting form to the 'blue cloud.'

Paul – Definitely let everyone know when there are events or meetings.

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Public Participation Plan

Vanessa described Phase 1.

- Evan added 1A – once we’ve arrived at certain # of problems, would be useful to field test the highest priority problems – are problems widely acknowledged, scope and intensity of problems, laws and governance structures not sufficient to deal with problems. You could use an on-line survey tool, perhaps get a cross-section of 200 people or so. Barbara added idea of measuring “severity and extent.” Which are deal-breakers – tearing communities apart, ruining the resource or putting people out of business. Dave S. pointed out that once we get input from pilot projects, we’ll know how significant problems are in those regions. Heather said that people can identify what’s imp right now in their area, their area in the future, and Maine coastal waters. LNG, emerging issues is not on the lists, charts.

Vanessa pointed out that we probably want something that is more responsive to problems that emerge over time, but it is valid to look at those most important now to people.

Evan volunteered to help structure survey.

Vanessa then described #2 on the public participation plan - allowing informed public, pilot reps and SC to develop possible bay management models through a charrette style process.

- Pauls asked if this isn’t what SC is supposed to do. Other people haven’t benefited from all the information and thought that we have. Does this take us back and force us to look at more info instead of refined set of info developed by SC? Dewitt offered to create a draft list of models. How about bringing a set of info like Dewitt would develop to a charrette style meeting?
- Barbara pointed out that ‘audience’ is not the right word – participants. Who are stakeholders and members of the public who have been involved? John explained that they are members of the public – like CLF, Sierra Club, etc. who were vocal at Legislature who have ideas. He wants to hear those ideas and ask questions about things like enforcement, capacity, etc.
- Evan questioned the use of charrettes to develop bay management models since they take a lot of work and time, and the goal is to make a group come up with one model (consensus). It would also require the SC to cede authority to others. Brainstorming session is different. Vanessa clarified that each group would come up with one model.
- Heather asked for clarification of what we want from the meeting. Is the eventual aim a model or short list of models? I think we need a suite of options. KL – range of options to LWRC; LWRC creates piece for legislature.
- Evan suggested using the meeting to give people a chance to react to a couple models. Vanessa pointed out that that is the point of the last set of public meetings. She also said that while the stakeholders wouldn’t be the ones to wholly design what bay management is, they can be one piece of input into that design.
- Dewitt explained how he has asked 2 advocates for what they want, with no clear answer. How about a phone call to those we know. List of options he volunteered to create (not a formal proposal) would be lightning rod for discussion.
- Heather suggested writing down the continuum of approaches and then soliciting input from SC members and members of the public about where we should be on this

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continuum. Barbara suggested using a set of principles and a list of things that will get us there. The range of options to include yellow box options and blue cloud ideas – realities of political env.

- Paul added that it is possible to solicit input from specific groups that have ideas and add them to menu. Cluster of pieces that might be somebody's vision. Create not one model, but 2-3 models that include different assemblages of things. Finite # of solution sets that we vetted, explain merits of each.
- BV said it would be an opportunity to get to ask the hard questions – how would it work, how does it meet with principles?
- Vanessa suggested that today's conversation has pointed to having a meeting where a handful of people come up with some ideas to contribute to the mix, but that it is done in less intensive way than a charette.
- Evan suggested putting a placeholder for #2 at this point. Maybe we end up getting people from the pilot project bays – they become breakout groups. Like the CB panel with some others. Give them a good background piece. Your task over day is to brainstorm a bay management model for their area. CB panel might have said – keep things the way they are.
- Heather said that we can't just put a placeholder for #2 – that we keep putting it off and it needs to happen. We can't wait until February to plan it. Dewitt agreed that by January or so, we should be moving on having a public meeting.
- BV – Doing nothing to ocean zoning is not a good continuum. Stop talking about bay management model as separate and new. How can things work better in the future than now? Useful to have not too large group of knowledgeable folks to tease apart and test options based on some criteria, with SC participation. Can't happen before March.
- Paul asked when the SC gets to say what they think bay management is? Dewitt – Yes. Barabara pointed out that the Feb meeting includes a compendium of ideas.

Because of time constraints, the other components of the public participation plan were not discussed. To do: Explain omnibus survey via e-mail.

Wrap-up

Meeting notes – Did anyone read them?! General acceptance of notes - to be posted online.

Next Meeting – Feb. 17th, snow date Feb. 24th.

Comments from members of public

Ron – you're going more slowly but more thoroughly than I thought. I heard Site Law, section 13 1993 that exempts aquaculture needs to be revisited. Can there be ways to review it to just apply to full leases 20 acres or larger. Look at other changes or exemptions in state law that apply to the coast that might make a difference.

Jane – I like idea of soliciting idea from the public, especially John's idea. Also several rounds instead of just one input from the public. The more I talk to people, the more I know what I'm talking about. Also, don't just talk about bay management, talk about specifics like LNG, dredging, aquaculture, etc. There's a tendency to get general, but if you're talking to people who

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haven't thought about it before, mention specific issues. By talking to people over time the process helps people grow.

Vivian – I was glad to hear something of the energy as Congress is talking about lifting the moratorium. Bay management is about the trade-offs of these choices.

APPLAUSE!!!!